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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,083	02/26/2002	Hyun S. Kim	3672-86512	8063

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EXAMINER

ILAN, RUTH

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

Office Action Summary

Application No.

10/083,083

Applicant(s)

KIM, HYUN S.

Examiner

Ruth Ilan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-15 and 17-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 3-10 and 17-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 3, 2003 has been entered.

Drawings

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on June 9, 2003 have been disapproved because they introduce new matter into the drawings. 37 CFR 1.121(f) states that no amendment may introduce new matter into the disclosure of an application. The original disclosure does not support the showing of the sewn attachment of the shoulder straps to the belt straps. Please note that the other changes proposed will be approved if re-submitted.

3. Because these proposed drawings have been disapproved, the drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, regarding claims 10 and 14, the third strap attached to the first and second ends of both the first and second straps must be shown or the features cancelled from the claims. It appears from the drawings that the first and second ends of the shoulder straps are next to, but not attached to the belt strap. No new matter should be entered.

Specification

4. The amendment filed June 9, 2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: In paragraph 0050, the manner of attachment of the belt by stitching, rivets, etc, is new matter. Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 10, 11, 14, and 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding claims 10 and 14: based on Applicant's proposed drawing changes and amendments to the specification it appears that the intended metes and bounds of "attached" are meant to include a fixed connection between the third strap (belt) and both ends of the first and second straps (shoulder straps.) There is a lack of support in the drawings and the specification as originally filed for the "attachment" of the ends of the shoulder straps to the belt. There

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is no mention of this attachment in the specification, and the original drawings appear carefully drawn so as not to include this attachment.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 3-6, 8, 9, 13, 17, 18, and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipper et al. (US 5,429,418) in view of Masuda et al. (US 6,314,578 B1.) and Rupert et al. (US 4,226,474) or Murray (US 5,733,014.) Lipper et al. (Figure 6) teaches a supplemental restraint system for use in a vehicle including a harness (1) having a plurality of belts) and being wearable by the rider (as seen in Figure 1) such that when the rider wears the harness the rider is secured to the seat of the automobile such that the rider remains secured against the seat of the car (as taught in col. 6 lines 48-61.) Regarding claim 8, the lap and shoulder belt work in conjunction with the harness and the harness has means (628, 628) to secure the shoulder belt to the harness. Regarding claim 9, the plurality of belts are worn about the upper torso of a user such that a first one of the belts (614) is worn about the waist of the user and others of the belts (602,608) are attached to the first belt and extend over the shoulders of the user. Lipper et al. further teaches that at least one of the straps (see Figure 6) is adjustable (see col. 6, line 50.) Lipper et al. fails to teach that clips provide attachment to the lap and shoulder belt. Masuda et al teaches that it is known in

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the harness/seatbelt attachment art to use clips (19) to attach the harness to the existing seat belt (see Figure 12.) It would have been obvious to one having ordinary skill in the art at the time of the invention to replace the fabric loop elements of Lipper et al. with the clips of Masuda et al. in order to provide a tighter and more secure connection, that is not as prone to wear. While Lipper et al. in view of Masuda et al. teaches that the harness works in conjunction with the seat belt and lap belt, and as such forms a 3-point restraint system, Lipper et al. in view of Masuda et al fails to teach that this conjunction is such that when the harness is secured to the lap and shoulder belt of the vehicle the harness forms a five- point restraint system, or uses tethers. Both Rupert et al. and Murray teach safety harnesses that work in conjunction with existing seat belt systems and include additional tether systems that include tethers that attach to the shoulders of the harness to hold the back of the rider to a seat(see Rupert et al. Figure 6) and to spread out the load or force that the rider feels from an accident so as to lessen the injury from the seat belt (see Murray, col. 6, line 50.) It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the safety harness of Lipper et al. in view of Masuda et al. to include an additional two-points of restraint at the shoulders, as taught by both Rupert et al. or Murray, in order to hold the back of the rider to the seat and to spread out the load or force that the rider feels from an accident. Lipper et al. in view of Masuda et al. and further in view of Rupert et al. or Murray meets the limitations of a five-point restraint, which includes the three from the lap/shoulder belt, and the two additional shoulder restraints.

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7. Claims 10,11 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipper et al. (US 5,429,418) in view Masuda et al. (US 6,314,578) and Rupert et al.(US 4,226,474) or Murray (US 5,733,014) and as applied to claims 8 and 13 above, and further in view of Olaiz (US 5,927, 235.) Lipper et al. is discussed above and for those elements not previously discussed, Lipper et al. additionally teaches that the shoulder straps are as broadly claimed attached with the belt strap in a generally perpendicular manner and additionally that the shoulder straps are arranged in an X-shape. Lipper et al. additionally teaches that the belt (614) is closed around the wearer by hook and loop fasteners, but does not show this connection, and as such fails to teach that the third strap has first and second end attachment points and is of a length such that the first and second ends of the third strap may be attached to the attachment points such that the first and second ends of the third strap overlap one another. Olaiz (Figure 3) teaches a belt for a harness that uses hook and loop fasteners and includes first and second attachment points on the belt (B and D as noted by the Examiner in Figure 3 of Olaiz) such that the first and second ends (A and C) of the belt are attached to the first and second attachment points, and the belt is of a length so as to cause overlap of the first and second ends of the belt. This configuration with hook and loop fasteners is useful because it allows for adjustment of the waistband to allow for a secure connection with wearers of different sizes (see col. 3, lines 32-34.) It would have been obvious to one having ordinary skill at the time of the invention to include with the hook and loop connection of Lipper et al. in view of Masuda et al and Rupert et al. or Murray an arrangement as taught by Olaiz, in order to provide an

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adjustable, and secure connection for the belt that accommodates users of various sizes.

8. Claims 7, 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipper et al. (US 5,429,418) in view of Masuda et al. (US 6,314,578) and Rupert et al. (US 4,226,474) as applied to claim 5 and 17 above, and further in view of Bowtell (AU 9959355 A). Lipper et al. in view of Rupert et al. is discussed above and teaches all elements of the claimed invention except that the tether straps are not taught as being Y-shaped. Rupert et al. teaches that the tether straps for the shoulder may be attached to suitable eyebolts on the floor of the vehicle (see col. 3, line 68.) Bowtell (Figure 1) teaches a harness restraint system used in conjunction with a seat belt (8) of a vehicle that includes a Y-shaped portion which allows attachment between the shoulder areas of the harness (at around 12) and a single point above the seat. (11.) It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the tether arrangement of Rupert et al. to include a Y-shape as taught by Bowtell, in order to eliminate at least one of the anchors on the floor of the vehicle, or to place a single anchor in a more easily installable location.

Response to Arguments

8. Applicant's arguments with respect to the additional limitation of the clips have been considered but are moot in view of the new ground(s) of rejection.

9. With regards to Applicants resubmission of previous arguments (page 8, paragraph 2 of Remarks of Paper No. 9, the Examiner respectfully submits that these

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arguments have been addressed in the Final Rejection of Paper No. 8, and will not be touched on again here.

10. Regarding the combination of Olaiz with Lipper et al. the Applicant appears to be arguing that Olaiz and Lipper et al. are non-analogous art. It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

In this case, the particular problem is the adjustability and fit of a belt going around someone's waist, which is the problem addressed by Olaiz. Additionally, the Applicant argues that using hook and loop fasteners as taught by Olaiz is not appropriate for a safety harness in an automobile. However, Lipper et al. uses hook and loop fasteners for the belt, and simply does not show the details of the fasteners. The Examiner relies on Olaiz to show how someone of ordinary skill in the art would understand that there is overlap for adjustability. Someone of ordinary skill in the art would look to Lipper et al. for a crash worthy vest, since the intended purpose of Lipper is to protect a child during an accident.

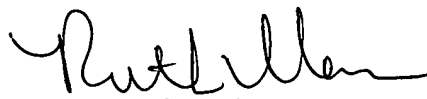
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 703-306-5956. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Ruth Ilan
Examiner
Art Unit 3616


11/17/03

RI
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